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April 14, 2004

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: RM-10865

Dear Ms. Dortch:

On March 12, 2004, the Commission issued a public notice seeking comments on the "Joint Petition for Expedited Rulemaking" filed March 10, 2004, by the United States Department of Justice, the Federal Bureau of Investigation, and the Drug Enforcement Administration. The Joint Petition sought Commission action on various issues concerning the applicability and enforcement of the Communications Assistance for Law Enforcement Act (CALEA). It also requested that the Commission issue a ruling that CALEA applied to various services using packet mode technology, including broadband access, broadband telephony, and wireless push to talk voice services.

Verizon Wireless takes the position that packet mode voice services in general, and push-to-talk services in particular, are not exempt from CALEA. On April 12, 2004, the Cellular Telecommunications and Internet Association (CTIA) filed initial comments on the Joint Petition. The Summary to its comments states in part:

Lawful intercept solutions are available today, and *carriers are providing law enforcement with access to broadband and packet-mode technologies, but CALEA does not apply to these services* because broadband access or connectivity to the Internet, and all the applications that ride over it, are within CALEA's information services exemption, which applies regardless of whether the entity providing the service is a telecommunications carrier or a replacement for local exchange service.

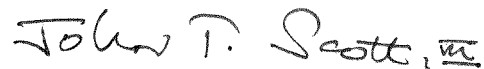
Comments of CTIA, at 1 (emphasis added).

While CTIA does not specifically address wireless push to talk services in its comments, the above statement could be read to take the position that CALEA does not apply to such services, and that the statute's "information services exemption" broadly exempts "broadband and packet-mode technologies." Verizon Wireless did not file its own initial comments in this proceeding. It thus wants the record to be clear that it does not agree with the above statement and similar assertions made in CTIA's comments.

Verizon Wireless does not agree that packet mode services in general, or push to talk services in particular, are exempt from CALEA. To the contrary, Verizon Wireless concurs with law enforcement's position as set forth in the Joint Petition that CALEA applies to all voice communications services offered by telecommunications carriers, including those that use packet mode technologies such as the company's push to talk service. Verizon Wireless is committed to deploying a CALEA surveillance solution for push to talk that meets the capability requirements of CALEA, and is working with law enforcement agencies on that solution.

Please include this letter in the record of comments that are filed in this proceeding. Should you have any questions regarding the letter, please contact the undersigned.

Very truly yours,

A handwritten signature in black ink that reads "John T. Scott, III". The signature is written in a cursive, slightly slanted style. The "J" is large and loops around the "o". The "T" is simple and vertical. The "S" is a large, sweeping curve. The "C" is a smaller curve. The "o" is a small circle. The "t" is a simple vertical line. The "I" is a simple vertical line. The "I" is followed by a small, stylized flourish that looks like a small "u" or a checkmark.

John T. Scott, III